

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1197 – HB 1343

April 21, 2015

SUMMARY OF ORIGINAL BILL: Creates a new Class D felony for reckless endangerment when the victim is under eight years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$376,000 Highest Projected Cost of Next 10
Years/Incarceration*

SUMMARY OF AMENDMENT (006860): Deletes Section 1 of the bill.

Creates a Class A misdemeanor punishable by a mandatory minimum sentence of 120 days in confinement for reckless endangerment offenses committed by a parent or guardian against the parent's or guardian's child that is eight years of age or less.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – \$15,500/Incarceration*

Assumptions for the bill as amended:

- Under current law, reckless endangerment is a Class A misdemeanor that may or may not be punished by confinement.
- The bill as amended would require a mandatory minimum sentence of 120 days for defendants who are parents or guardians and commit the offense against their own children that are eight years of age or less.
- Statistics from the Administrative Office of the Courts (AOC) show that there has been an average of 98.2 convictions per year for misdemeanor reckless endangerment over the last five years.
- It is assumed that two percent ($98.2 \times 0.02 = 1.96$) of these admissions were committed by a parent or guardian against their own child eight years of age or less.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The bill as amended requires each person convicted to serve a minimum of 120 days in confinement.
- The estimated 2015 cost per inmate per day for local jails is \$64.39.

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- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on each offender serving 120 days in local confinement for a total of \$7,727 (\$64.39 x 120 days). The cost for two offenders is \$15,454 (\$7,727 x 2).
- The bill will not generate any new cases. It establishes a mandatory minimum sentence for certain reckless endangerment convictions that are currently being committed. Any impact to the caseloads of the AOC, District Attorneys General Conference, or the District Public Defenders Conference can be accommodated within existing resources.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding", written in a cursive style.

Jeffrey L. Spalding, Executive Director

/trm